

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**CASE NO.: 1:23-cv-15977**

JOHN FIELDING,

Plaintiff,

v.

THE UNIVERSITY OF CHICAGO,

Defendant,

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff JOHN FIELDING by and through his undersigned counsel, brings this Complaint against Defendant THE UNIVERSITY OF CHICAGO for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff JOHN FIELDING (“Fielding”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Fielding's original copyrighted Work of authorship.
2. Fielding was introduced to photography at a young age and purchased his first serious camera in 1978. In 2007, he took up flying and began taking aerial photographs as a hobby. Fielding performs aircraft-platform photography, spends hours flying around the countryside taking photographs to document things of interest and spends long periods processing each image to produce aesthetically pleasing photographs. Currently, Fielding uses a Nikon D850 full-frame DSLR with a Nikon: AF-S Nikkor 28-300MM F/3.5-5.6G ED VR lens. The aircraft he flies is a Skyranger Nynja, and also pilots a sub 250g DJI Mini 3 drone. Fielding

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licenses his work, and his images have been used commercially, both online and in print throughout the world.

3. Defendant THE UNIVERSITY OF CHICAGO (“UChicago”) is a private research university located in Chicago, Illinois and is comprised of an undergraduate college, four graduate research divisions, eight professional schools, including the Law School, the Booth School of Business, the Pritzker School of Medicine, the Crown Family School of Social Work, Policy and Practice, the Pritzker School of Molecular Engineering, the Harris School of Public Policy, the Divinity School and the Graham School of Continuing Liberal and Professional Studies. UChicago has campuses and centers in downtown Chicago, Beijing, Delhi, Hong Kong, London and Paris. Its 217 acre Hyde Park campus is a designated botanic garden and is often described as an oasis in the city of Chicago. Organized in 1890, UChicago follows a commitment to rigorous academics for people of all backgrounds. At all times relevant herein, UChicago owned and operated the internet website located at the URL voices.uchicago.edu (the “Website”).

4. Fielding alleges that Defendant copied Fielding’s copyrighted Work from the internet in order to advertise, market and promote its business activities. UChicago committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the UChicago's business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Illinois.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, UChicago engaged in infringement in this district, UChicago resides in this district, and UChicago is subject to personal jurisdiction in this district.

**DEFENDANT**

9. The University of Chicago is an Illinois Corporation, with its principal place of business at 5801 South Ellis Avenue, Suite 1, Chicago, Illinois, 60637 and can be served by serving its Registered Agent, Kim Taylor at the same address.

**THE COPYRIGHTED WORK AT ISSUE**

10. In 2014, Fielding created the photograph entitled “Norwich aerial image high resolution image of Norwich city centre in Norfolk UK” which is shown below and referred to herein as the “Work”.



11. Fielding registered the Work with the Register of Copyrights on January 15, 2021, and was assigned registration number VA 2-239-995. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Fielding's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Fielding was the owner of the copyrighted Work at issue in this case.

### **INFRINGEMENT BY UCHICAGO**

14. UChicago has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, UChicago copied the Work.

16. On or about March 11, 2021, Fielding discovered the unauthorized use of his Work on the Website as one of the five images used in the “Healthy Regions + Policies Lab” – “About” Page.

17. UChicago copied Fielding's copyrighted Work without Fielding's permission.

18. After UChicago copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as an educational institution.

19. UChicago copied and distributed Fielding's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Fielding's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

21. UChicago committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

22. Fielding never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

23. Fielding notified UChicago of the allegations set forth herein on March 23, 2023 and May 17, 2023. To date, the parties have failed to resolve this matter.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

24. Fielding incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Fielding owns a valid copyright in the Work at issue in this case.

26. Fielding registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. UChicago copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Fielding's authorization in violation of 17 U.S.C. § 501.

28. UChicago performed the acts alleged in the course and scope of its business activities.

29. Defendant's acts were willful.

30. Fielding has been damaged.

31. The harm caused to Fielding has been irreparable.

WHEREFORE, the Plaintiff JOHN FIELDING prays for judgment against the Defendant THE UNIVERSITY OF CHICAGO that:



a. UChicago and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. UChicago be required to pay Fielding his actual damages and Defendant's profits attributable to the infringement, or, at Fielding's election, statutory damages, as provided in 17 U.S.C. § 504

c. Fielding be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Fielding be awarded pre- and post-judgment interest; and

e. Fielding be awarded such other and further relief as the Court deems just and proper.

### **JURY DEMAND**

Fielding hereby demands a trial by jury of all issues so triable.

DATED: November 15, 2023

Respectfully submitted,

*/s/ J. Campbell Miller*

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